

Serial No.: 10/659,744

**REMARKS****I. STATUS OF THE CLAIMS**

Claims 1-4, 9-10, 14-15, 19, and 26-29 have been cancelled.

Claims 5-8, 11-13, 16-18, and 20-25 are pending and under consideration.

**II. CLAIMS 7, 11 AND 13 ARE REJECTED UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER U.S. PATENT NO. 6,392,807 TO BARBAROSSA ET AL. IN VIEW OF U.S. PATENT NO. 6,081,388 TO WIDL ET AL. AND FURTHER IN VIEW OF U.S. PATENT APPLICATION NO. 2003/0223248 TO CRONIN ET AL.**

Claims 7 and 11 have been rewritten into independent form.

Currently amended claim 7 recites a storing unit storing predetermined position controlling amounts of the position changing unit, the position controlling amounts being used to generate a chromatic dispersion value for a certain wavelength.

The outstanding Office Action at page 4 concedes, "Barbarossa fails to disclose using a storing unit storing predetermined position-controlling amounts of the position-changing unit." The Office Action further asserts, "However, storage of position controlling amounts of a position-changing unit is known in the art and is not considered a patentably distinction limitation." Applicants submit the Office Action fails to appreciate the full recitation of claim 7 of the present application, a storing unit storing predetermined position controlling amounts of the position changing unit, the position controlling amounts being used to generate a chromatic dispersion value for a certain wavelength. Applicants respectfully submit they are unable to find a teaching of the aforementioned recitation in the cited art.

Although the above comments are specifically directed to currently amended claim 7, for example, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

In view of the above, it is respectfully submitted the rejection is overcome.

**III. CLAIM 18 IS REJECTED UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER U.S. PATENT NO. 6,392,807 TO BARBAROSSA ET AL. IN VIEW OF U.S. PATENT NO. 6,822,747 TO LI ET AL.**

The Office Action at page 11 asserts, "a virtually imaged phased array (VIPA) (Barbarossa: 703, Figure 7a and 7b)...provides a minimum signal loss at the predetermined wavelength and the chromatic dispersion value (Barbarossa: column 7 lines 50-67 (depending

Serial No.: 10/659,744

on a wavelength dispersion is minimized by adding or subtracting additional dispersion))(Barbarossa: column 2 lines 1-10 (chromatic dispersion tuning addresses the need of tuning chromatic dispersion produced due to wavelength of the signal))."

Applicants respectfully submit they are unable to find a description within the cited art which describes at least, a chromatic dispersion compensating module that provides a minimum signal loss at the predetermined wavelength and the chromatic dispersion value, as recited in claim 18 of the present application.

In view of the above, it is respectfully submitted the rejection is overcome.

**IV. CLAIMS 20-25 ARE REJECTED UNDER 35.U.S.C 103(a) AS BEING UNPATENTABLE OVER U.S. PATENT NO. 6,392,807 TO BARBAROSSA ET AL. IN VIEW OF U.S. PATENT NO. 6,807,208 TO NASU ET AL. AND FURTHER IN VIEW OF U.S. PATENT NO. 6,822,747 TO LI ET AL.**

The Office Action at pages 13-14 contends, "With respect to claims 20-25, Barbarossa discloses a chromatic dispersion compensating apparatus, comprising: a chromatic dispersion compensating module (Barbarossa: title: chromatic dispersion compensator) having a spectral unit receiving an input light and generating an output light having a predetermined wavelength (Figure 9 shows input light 915 for example)(column 11 lines 1-7 (input lights exits from fiber 710)). However, Barbarossa fails to disclose that the storing unit stores predetermined temperatures of the spectral unit." Further to the foregoing contention of the Office Action, Applicants are unable to find within the Office Action a description of a storing unit in Barbarossa.

Applicants respectfully submit the Office Action fails to fully appreciate at least the recitation, a storing unit storing predetermined wavelengths used and predetermined chromatic dispersion values and temperatures of the spectral unit corresponding to the predetermined wavelengths used, as recited in claim 20 of the present application.

The Office Action further asserts, "storing predetermined temperatures of a spectral unit is known in the art." However, Applicants respectfully submit the Office Action fails to describe in the cited art a storing unit as recited in claim 20 of the present application.

Although the above comments are specifically directed to claim 20, for example, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

In view of the above, it is respectfully submitted the rejection is overcome.

Serial No.: 10/659,744

**V. ALLOWABLE SUBJECT MATTER**

The Office Action at page 15 asserts in the Allowable Subject Matter section of the outstanding Office Action that claims 6, 8 and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in Independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have amended claims 6, 8 and 16-17 to be in independent form, and thereby be allowable.

Therefore, it is respectfully submitted that currently amended claims 6, 8 and 16-17 are allowable as now presented.

**VI. CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 06/12/07

By: [Signature]  
Joseph W. Iskra  
Registration No. 57,485

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450  
on June 12, 2007  
By: [Signature]  
STAAS & HALSEY  
Date: 6/12/07